

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
Greenbelt Division**

BRIAN MILLER,	)	
	)	COMPLAINT
Plaintiff,	)	
	)	
v.	)	
	)	JURY TRIAL DEMANDED
CENTRAL PORTFOLIO CONTROL, INC.	)	
MARK ROMINE	)	
JOHN DOE	)	
JANE DOE	)	
	)	
	)	
Defendants	)	

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**COMPLAINT FOR DAMAGES FOR VIOLATIONS OF THE FAIR DEBT COLLECTION  
PRACTICES ACT**

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**JURISDICTION**

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d), and pursuant to 28 U.S.C. § 1367 for pendent state law claims.

2. This action arises out of Defendants' repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA") and out of the invasions of Plaintiff's personal and financial privacy by these Defendants and their agents in their illegal efforts to collect a consumer debt from Plaintiff.

3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendants transact business here

**PARTIES**

4. Plaintiff Brian Miller is a natural person who resides in the City of Germantown, Montgomery County, State of Maryland, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3), and/or a person affected by a violation of the FDCPA with standing to bring this claim under 15 U.S.C. §§ 1692k(a).

5. Defendant Central Portfolio Control, Inc. (hereinafter "Defendant CPC") is a collection agency whose principal place of business is located at 6640 Shady Oak Road, Suite 300, Eden Prairie, MN 55344, and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).



1           21.     The next day Defendant Romine called and said he would like to help Plaintiff and for  
2 the letter to send in some paperwork, including a hardship letter.

3           22.     Plaintiff told Defendant Romine that everyone who called him offered to help, but never  
4 did. Nonetheless, Plaintiff faxed over the debt cancellation paperwork and the hardship letter on January  
5 21, 2011.

6           23.     On or about January 24, 2011, Defendant Romine called Plaintiff back and said that this  
7 paperwork doesn't make any sense and that he wasn't cutting him any deals.

8           24.     Plaintiff told him he wasn't going to be paying anything and hung up.

9           25.     Afterwards, Defendant Romine's "supervisor" John Doe called and asked when he could  
10 expect payment from Plaintiff.

11           26.     Plaintiff, utterly frustrated by the obtuseness of Defendant CPC's employees, proceeded  
12 to hang up on Defendant John Doe.

13           27.     On or about January 25, 2011, Defendant Jane Doe called on behalf of her employer  
14 Defendant CPC, in an attempt to collect on the debt owed to HSBC.

15           28     Plaintiff told Defendant Jane Doe that he had already spoken to Defendant Mark Romine  
16 and that he had already told him he wasn't going to pay.

17           29.     Plaintiff told Defendant Jane Doe to stop calling him, and then proceeded to hang up.

18           30.     Defendant Jane Doe called back soon afterward, telling Plaintiff that she and Defendant  
19 Romine worked in different departments.

20           31.     Plaintiff told Defendant Jane Doe that he wasn't going to be dealing with this anymore  
21 and hung up.

22           32.     Defendant Jane Doe called back and said that unless she got the debt cancellation  
23 paperwork, there was nothing she could do.

24           33.     Plaintiff explained that he had already sent the paperwork to Defendant Romine and that  
25 he suspected they were just giving him the runaround. Plaintiff then reiterated that he wasn't going to pay.

26           34.     Defendant Jane Doe then proceeded to become very indignant, and said, "If you're not  
27 going to pay, then I have something for your ass – we're going to ruin your credit!"

28           35.     Plaintiff then began to argue with Defendant Jane Doe and became very upset.

          36.     All of the above-described collection communications made to Plaintiff by Defendants  
Romine, Jane Doe, and John Doe were made in violation of numerous and multiple provisions of the  
FDCPA, including but not limited to 15 U.S.C. §§ 1692b(1), 1692b(2), 1692(b)(3), 1692c(b), 1692d,  
1692d(6), 1692e, 1692e(10), 1692e(15), and 1692f, amongst others.

### LEGAL APPLICATION

37. All of the above-described collection communications made to Plaintiff by each individual Defendant and other collection employees employed by Defendant CPC, were made in violation of numerous and multiple provisions of the FDCPA, including but not limited to all of the provisions of the FDCPA cited herein.

38. The above-detailed pattern of conduct by these Defendants of harassing Plaintiff's mother in an effort to collect his debt constitutes violations of numerous and multiple provisions of the FDCPA, including but not limited to all of the above mentioned provisions of the FDCPA.

39. Due to these series of abusive collection calls by Defendant CPC and its employees, Plaintiff has suffered actual damages as a result of these illegal collection communications by these Defendants in the form of anger, anxiety, emotional distress, frustration, humiliation, embarrassment, amongst other negative emotions, as well as suffering from unjustified and abusive invasions of personal privacy

40. Defendants' repeated disclosures of Plaintiff's indebtedness to third parties was an invasion of his privacy and his right to financial privacy

41. Defendants' illegal abusive collection communications as more fully described above were the direct and proximate cause of severe emotional distress on the part of the Plaintiff and caused him unnecessary personal strain in his relationship with his mother.

#### *Respondeat Superior Liability*

42. The acts and omissions of Defendants Mark Romine, John Doe, and Jane Doe, who communicated with Plaintiff and various third parties as further described herein, were committed within the time and space limits of the former's agency relationship with their principal, Defendant CPC.

43. The acts and omissions by Defendant Mark Romine, John Doe, and Jane Doe were incidental to, or of the same general nature as, the responsibilities these agents were authorized to perform by Defendant CPC in collecting consumer debts.

44. By committing these acts and omissions against Plaintiff, Defendants Mark Romine, John Doe, and Jane Doe were motivated to benefit their principal, Defendant CPC.

45. Defendant CPC is therefore liable to Plaintiff through the Doctrine of Respondeat Superior for the intentional and negligent acts, errors, and omissions done in violation of state and federal law by its collection employees, including but not limited to violations of the FDCPA, in their attempts to collect this debt from Plaintiff's son.

**COUNT I. VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**  
**15 U.S.C. § 1692 et seq.**

46. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

47. The foregoing acts and omissions of each Defendant and their agents constitute numerous and multiple violations of the FDCPA including, but not limited to, each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq., with respect to Plaintiff.

48. As a result of each Defendant's violations of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3), from each Defendant herein.

WHEREFORE, Plaintiff prays that judgment be entered against each Defendant:

- a) For an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against each Defendant and for Plaintiff;
- b) For an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against each Defendant and for Plaintiff;
- c) For an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against each Defendant and for Plaintiff; and
- d) For such other and further relief as this Court deems just and proper.

**COUNT II. INVASION OF PRIVACY BY INTRUSION UPON SECLUSION AND BY REVELATION OF PRIVATE FINANCIAL FACTS TO THIRD PARTY**

49. Plaintiff incorporates by reference all of the paragraphs of this Complaint as though fully stated herein.

50. Congress explicitly recognized a consumer's inherent right to privacy in collection matters in passing the Fair Debt Collection Practices Act, when it stated as part of its findings:

**Abusive debt collection practices** contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to **invasions of individual privacy**.

*15 U.S.C. § 1692(a) (emphasis added).*

51. Congress further recognized a consumer's right to privacy in financial data in passing the Gramm Leach Bliley Act, which regulates the privacy of consumer financial data for a broad range of "financial institutions" including debt collectors, albeit without a private right of action, when it stated as part of its purposes:

1 It is the policy of the Congress **that each financial institution has an affirmative and**  
2 **continuing obligation to respect the privacy of its customers** and to protect the  
3 security and confidentiality of those customers' nonpublic personal information.

4 *15 U.S.C. § 6801(a) (emphasis added).*

5 52. Defendants and/or their agents intentionally and/or negligently interfered, physically or  
6 otherwise, with the solitude, seclusion and or private concerns or affairs of Plaintiff, namely, by  
7 repeatedly and unlawfully attempting to collect a debt that he apparently did not owe and thereby invaded  
8 Plaintiff's privacy.

9 53. Defendants and their agents intentionally and/or negligently caused emotional harm to  
10 Plaintiff by engaging in highly offensive conduct in the course of collecting this debt, thereby invading  
11 and intruding upon Plaintiff's rights to privacy.

12 54. Plaintiff had a reasonable expectation of privacy in his solitude, seclusion, private  
13 concerns or affairs, and private financial information.

14 55. The conduct of these Defendants and their agents, in engaging in the above-described  
15 illegal collection conduct against Plaintiff, resulted in multiple intrusions and invasions of privacy by  
16 these Defendants which occurred in a way that would be highly offensive to a reasonable person in that  
17 position.

18 56. As a result of such intrusions and invasions of privacy, Plaintiff is entitled to actual  
19 damages in an amount to be determined at trial from each and every Defendant.

20 WHEREFORE, Plaintiff prays that judgment be entered against each Defendant:

- 21 a) For an award of actual damages from each Defendant for the emotional distress suffered as a  
22 result of the intentional and/or negligent FDCPA violations and intentional and/or negligent  
23 invasions of privacy in an amount to be determined at trial and for Plaintiff;  
24 b) For an award of reasonable attorney's fees and costs; and  
25 c) For such other and further relief as this Court deems just and proper.

26 **TRIAL BY JURY**

27 57. Plaintiff is entitled to and hereby respectfully demands a trial by jury on all issues so  
28 triable. US Const. amend. 7. Fed.R.Civ.P. 38.

1 Respectfully submitted this 14<sup>th</sup> day of October, 2011

2 BRIAN MILLER

3 By:

4 /s/

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